

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Omar Smith,

Civil No. 13-352 (RHK/AJB)

Petitioner,

ORDER

v.

United States of America,

Respondent.

Before the Court are Petitioner's Objections to the February 19, 2013, Findings of Fact, Conclusions of Law, and Recommendation by Chief United States Magistrate Judge Arthur J. Boylan. Judge Boylan recommended that Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 be summarily **DISMISSED** for lack of jurisdiction.

Having conducted a de novo review of the Report and Recommendation and the Objections thereto, the Court is satisfied that Judge Boylan's recommended disposition is fully supported by the factual record before him and controlling legal authorities.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. The Objections (Doc. No. 5) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 2) is **ADOPTED**; and

3. Petitioner's application for habeas corpus relief under 28 U.S.C. § 2241 (Doc. No. 1) is summarily **DISMISSED** for lack of jurisdiction.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 26, 2013

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge